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MAY 01 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	B. DEPUTY

Ivan Guerrero Melchor, # 69324208.

Name and Prisoner/Booking Number

CCA/Central Arizona

Place of Confinement

P.O. Box 6300

Mailing Address

Florence AZ. 85232.

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Seattle Police Department

(Full Name of Plaintiff)

Plaintiff,

vs.

(1) IVAN GUERRERO MELCHOR

(Full Name of Defendant)

(2) _____

(3) _____

(4) _____

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CV07 0853

RSM
JPD

CASE NO. CV07-910-PHX-JWS(DKD)
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☒ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: Seattle Washington State

Revised 3/9/07

1

550/555



07-CV-00853-CMP

B. DEFENDANTS

1. Name of first Defendant: Ivan Guerrero Mckay. The first Defendant is employed as:
excessive police force at Seattle Washington.
(Position and Title) (Institution)
2. Name of second Defendant: _____ The second Defendant is employed as:

(Position and Title) (Institution)
3. Name of third Defendant: _____ The third Defendant is employed as:

(Position and Title) (Institution)
4. Name of fourth Defendant: _____ The fourth Defendant is employed as:

(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated:

assaulted by arresting police

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☒ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

on 1-27-2004 - I was arrested by west night ACT team for VECOA violation. the officer who arrest me use Excessive force kicking me. I did not put any resistance on the arrest, then I was transferred to the west precinct of Seattle police Department and what appear a leading officer of the Rick patrol went to the holding tank and I told I need medical attention and he assaulted me on the holding cell I was ending with a broken nose and fracture my skull and I was transfer to King county jail 2 day latter I was released. I did never have the opportunity to show the judge my face, I want to trial and the judge don't want me to say I was a assaulted by police I provide medical Records and X-Rays Report to the court and some how they disappear from the records

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

assaulted by the Seattle police

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
 b. Did you submit a request for administrative relief on Count I? ☐ Yes ☒ No
 c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. the court lost the records of medical

Department: 42

JUDGE: Steven Scott

Date: 12-15-004

BAILIFF: Mary Radley

Page 1 of 3

COURT CLERK: Dawn Tubbs

REPORTER: Taralynn Bates

King County Cause No. 04-1-00769-7 SEA

Case Caption

State v Guerrero-Melchor

Continued from 12-14-2004

Minute Entry

	Defendant, stand-by counsel, DPA present
	Spanish interpreter (stand-by) Angela Henrick present
	Jury absent
	Discussion re scheduling, witnesses
	Jury present
	Off Stefan Aurlaid is sworn and examined on behalf of the State
	State's Exhibit # 10 OFFERED AND ADMITTED
	Off PJ Fox is sworn and examined on behalf of the State
	Steven Reid is sworn and examined on behalf
	of the State

Date: 12-15-2004

Page 2 of 3

K.C. Cause No: 04-1-00769-7 SEA

Caption: State v Guerrero - Melchor

MINUTE ENTRY

	State's Exhibit # 11 OFFERED AND REFUSED
	Jury absent
	State presents argument re Exhibit # 11 - the Court reaffirms its ruling that the report is refused as cumulative
	Discussion re co-defendant Java's status; has plead and been sentenced so there are no 5th Amendment issues to preclude his being called as a witness
	State informs the Court re interview with Java and his expected testimony.
	State's motion to exclude testimony about use of force or kicking by officer - - granted
	Defendant's motion to dismiss due to failure of the State to present a prima facie case - - denied.
	Jury present
	The State rests
	Peter Java is sworn and examined on behalf of the defendant
	Jury absent
	Defendant requests copies of prior convictions - - copies are shown
	Jury present

5
SECRET

Date: 12-15-2004

Page 3 of 3

K.C. Cause No. 04-1-00769-7 SEA

Caption: State v Guerrero-Melchor

MINUTE ENTRY

1	Defendant is sworn and testifies on his own behalf.
2	
3	State's exhibit # 3 OFFERED AND ADMITTED
4	
5	Both sides rest
6	
7	Cause continued to 12-16-2004
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CAUSE NO. _____

04-C-00769-7SEA



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE - NARCOTICS**

INCIDENT NUMBER
04-038516
UNIT FILE NUMBER

That Police Officer Lee of the Seattle Police Department believes that there is probable cause that Chacon, Juan committed the crime(s) of Violation of the Uniformed Controlled Substances Act on January 27, 2004 at 2056 hrs within the City of Seattle, County of King, State of Washington by possessing with intent to deliver/manufacture rock cocaine, a controlled substance.

This belief is predicated on the following facts and circumstances:

I have been employed by the Seattle Police Department for over 4 years. I have almost 8 years of experience as a police officer with prior experience with the Los Angeles Police Department. I have worked as a uniformed patrol officer and a uniformed bicycle patrol officer. I have participated in buy-bust operations and see-pop operations as a buyer, an observer, arrest team officer and processing officer. I have participated in hundreds of narcotics arrests in the City of Seattle and in Los Angeles, CA. I have had narcotics recognition training in the Los Angeles Police Academy and on the job training in the City of Los Angeles and in Seattle. I attended and completed the two-week undercover narcotics school held by the Seattle Police Department.

On 01-27-2004, I was working as an undercover buyer during a buy bust operation in the Pike/Pine area. At approximately 2056 hrs, I made contact with a Hispanic male, later identified as AFTERBUFFALO, at 3 Av and Pike St at the southwest corner. AFTERBUFFALO asked if I was "looking," street lingo for looking for narcotics. I told him I was. I told him I was looking for "hard," common street term for rock cocaine. AFTERBUFFALO told me to follow him and we walked southbound on 3 Av to mid-block. AFTERBUFFALO directed me to the front of 1413 1/2 3 Av where he introduced me to a Hispanic male, later identified as CHACON and to a White male, later identified as JAVA. I asked for two rocks of cocaine for \$20. CHACON told me to wait outside as he and JAVA buzzed a unit at 1413 1/2 3 Av. A short time later, an unidentified Black male met them. All three then went inside. A few minutes later, CHACON and JAVA came out of the building and approached me. JAVA reached into his mouth and removed a rock of crack cocaine. He showed me the rock and asked for \$20. I said that I wanted two rocks for \$20. He became angry and put the rock back in his mouth. CHACON then removed a rock of crack cocaine from his mouth and offered to me for \$20 stating that it was all that he could do today. I agreed and handed over to him a pre-recorded \$20 bill in exchange for the rock. Once the transaction was complete, AFTERBUFFALO asked if I would take care of him. I told him that I would not since I was only able to buy one rock for \$20. I then gave the arrest team the good buy signal.

I transported the suspected rock cocaine to WPCT. I tested the rock according to the protocol established by the WSPCL. The results were positive for cocaine. The total weight was .1 grams without packaging. I packaged the rock cocaine in SPD Evidence Envelope #A917605.

ORIGINAL



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE NARCOTICS**

INCIDENT NUMBER
04-038516
UNIT FILE NUMBER

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 27 day of JAN, 2004, at Seattle, Washington.

A handwritten signature in black ink, appearing to be "Jim J. L.", written over a horizontal line.

ORIGINAL

FILED
KING COUNTY, WASHINGTON

DEC 21 2004

Dawn Ellis
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

State of Washington

Plaintiff

No. 04-1-00789-7 SEA

vs.

Ivan Guerrero-Melchor

Defendant

WITNESS TIME SHEET & COST BILL
Criminal, Juvenile and Mental Illness
(ORPWE)

Witness For	Name	2004 Date(s)	Miles Per R.T.	Number Of Trips	Total Miles	Total Amount Due	Cert. Number
X	Off James Lee Seattle PD	12-12-04 A					
X	Det Ronald Smith Seattle PD	P					
X	Off Shawn Hamlin Seattle PD	P					
X	Off Zsolt Dornay Seattle PD	P					
X	Off Stefan Aurland Seattle PD	A					
DATED: 12/16/04			Page	Total			

Examined and Found Correct:

Approved and Allowed:

For #32789

D.P.A./WSBA # *Erin Morgan* JUDGE/Dept #

Witness Time Sheet and Cost Bill: Page 1 (SC Form JO-107)

8/00

WITNESS TIME SHEET AND COST BILL

Page 2 of 2No. 04-1-00769-7 SEACaption: State vs. Ivan Guerrero-Melchor

Witness For		Name	2004 Date(s)		Miles Per R.T.	Number Of Trips	Total Miles	Total Amount Due	Cert. Number
State	DC		12-15						
X		Off PJ Fox Seattle PD	A						
X		Steven Reid WSP Crime Lab	A						
X		Peter Java c/o DOC	P						
					Page Total		08		

DATED: 12/16/04

Examined and Found Correct:

Approved and Allowed:

[Signature]
#92789
 B.P.A. [Signature]

JUDGE/Dept #

Witness Time Sheet and Cost Bill, Additional Page (SC Form JO-107)

8/00

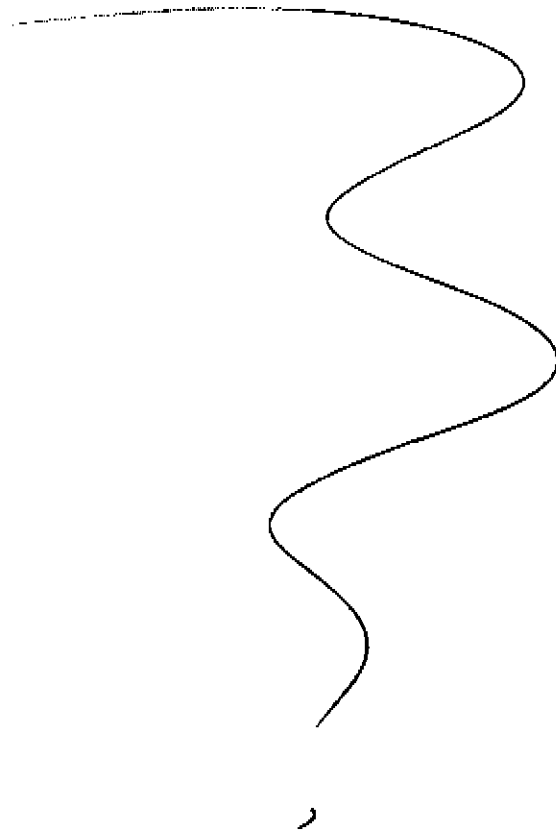
COUNT II

1. State the constitutional or other federal civil right that was violated: medical attention
2. Count II. Identify the issue involved. Check only one. State additional issues in separate counts.
- | | | | |
|--|-----------------------------------|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer <input type="checkbox"/> Threat to safety <input type="checkbox"/> Other: _____ | | | |
3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- while I was in King County Jail from 2004 to 2005, the King Co. Jail didn't provide me with
Surgery to fix my nose. for the police
assault
4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
- By police assault at the west precinct.
5. Administrative Remedies.
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
 - Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
 - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

I requested medical Surgeon to the
Health Department of King County.

The X-Ray specialist Show me how
my skull is fracture and heal.

I ask for time to time with not
Respond. from the medical staff
of King County Jail



COUNT III

1. State the constitutional or other federal civil right that was violated: The Superior court for King county Washington State
2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input checked="" type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- The court ignored my medical problem that I need surgery and I provide medical records and I was not allow to tell the judge about this.
- I did immediate release on re-trial on this case and I was not released till 11 day later after September 12, 2006. Sep-13-06 I was release on two immediate court release orders on other case I was acquitted on re-trial. and still I did get immediate release.
4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
5. Administrative Remedies.
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
 - Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
 - Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
 - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

AUG 16 2006

FAX COPY TO COUNTY JAIL

FILED

KING COUNTY, WASHINGTON

AUG 16 2006

SUPERIOR COURT CLERK
KIM C. PHIPPS
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

IVAN Guerrero-Melchor,

Defendant,

No. 04-C-00769-7 *KNT*

NOTICE TO KING COUNTY JAIL
RELEASE OF DEFENDANT

TO: THE DIRECTOR OF ADULT DETENTION, OR HIS DEPUTY:

This Court has sentenced the defendant this date to a sentence that directs the defendant's immediate release from jail. An appropriate written order of Judgment and Sentence will follow at a later date. *Immediate release on this cause only.*

YOU ARE HEREBY ORDERED to release the defendant from jail under this cause number.

DONE IN OPEN COURT this *16th* day of *August*, 20 *06*

JUDGE

White - Clerk
Yellow - King County Jail
Pink - Defendant

NOTICE TO KING COUNTY JAIL RELEASE OF DEFENDANT

S # 155

14

FILED

KING COUNTY

SEP 13 2006

SUPERIOR COURT, CLERK
BY DAWN TUBBS
DEPUTY

SEP 14 2006

CERTIFIED COPY TO COUNTY JAIL

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

No. 04-1-005465 PEA

Ivan Guerrero-Melchor

Defendant,

NOTICE TO KING COUNTY JAIL
RELEASE OF DEFENDANT

TO: THE DIRECTOR OF ADULT DETENTION, OR HIS DEPUTY:

This Court has sentenced the defendant this date to a sentence that directs the defendant's immediate release from jail. An appropriate written order of Judgment and Sentence will follow at a later date.

YOU ARE HEREBY ORDERED to release the defendant from jail under this cause number.

DONE IN OPEN COURT this 13th day of September, 2006.

Sgt. P. Cannon
JUDGE

Distribution:

White - Clerk's Office
Yellow - King County Jail
Pink - Defendant

NOTICE TO KING COUNTY JAIL
RELEASE OF DEFENDANT

Revised 4/01

E. REQUEST FOR RELIEF

State the relief you are seeking:


need to fix my nose with surgeonie - and pay
for the medical pain and suffering.
By the Department of Seattle police

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

 PRO-SU
(Signature of attorney, if any)
P.O. BOX 6300
Flagstaff, AZ
88001 88232

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

I Ivan guerrero Request a Jury trial
on this matter.

How ever Pursuant to 28 USC : 1815

I would like to presite in forma pauperis

I dont have any money due to poverty.

I'm indigent. Not one sent me any money

I dont own any Bank, stock money

I dont have any properties.

In one word I dont have not money
of been worked on the past 3 year or so.

Sincerely.

Ivan Guerrero m

I'm certify this and I understand
the laws of United States and
Everything on this documents are
true.

April - 25 - 2007

Date